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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,337	01/26/2001	Chad Magendanz	44431/233649	6309

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EXAMINER

KE, PENG

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,337

Applicant(s)

MAGENDANZ ET AL.

Examiner

Peng Ke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 10/11/2004.

Claims 1- 27 are pending in this application. Claims 1, 14, and 27 are independent claims. In the Amendment, filed on 10/11/2004, claims 1, 14, and 27 were amended.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

A similar limitation ^{recited} ~~recites~~ in claims 1, 14, and 27 is both grammatically incorrect and unclear.

As per claim 1, "an associated content of the palette DO not" should be "an associated content of the palette DOES not." Because of this grammatical error, it is unclear as to what the applicant is trying to convey. Therefore the examiner interprets statement to be a single content of a plurality of the palettes that are displayed on the panel does not obscure viewing of said electronic document.

Claim Rejections - 35 USC § 102

Claims 1 - 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Buxton et al., U.S. Patent No. 6,469,714.

As per claim 1, Buxton et al. (hereinafter referred to as "Buxton") teach a method for providing a selection of properties for an electronic document associated with an application program comprising the steps:

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determining a context for the electronic document (see Buxton, column 2, lines 61 – 67)

determining a status of a property for the electronic document (see Buxton, column 7, lines 59 - 64)

based upon the context of the electronic document and the status of the property, creating a customized palette for the user interface so that the palette comprises a control for an available property (see Buxton column 2, lines 61 – 67 and column 8, lines 30 - 36); and

displaying the palette in conjunction with the electronic document on the user interface such that said palette and an associated content of the palette does not obscure viewing of said electronic document (see Buxton, figures 3A – D and column 6, lines 59 – 67; it is apparent that action bar 322 does not obscure the electronic document 300).

As per claim 2, which is dependent on claim 1, Buxton teaches the method of claim 1 (see rejection above). Buxton further teaches determining a change in the status of the property or the context of the electronic document (see Buxton, column 8, lines 20 – 25);

based upon the change of the property or the change in the property or the change in the context of the electronic document,

modifying the palette to reflect the change in the property or the change in the context of the electronic document (see Buxton, column 8, lines 20 – 25); and

replacing the palette with the modified palette so that the modified palette is displayed in conjunction with the electronic document on the user interface (see Buxton, figure 3A, items 300 and 320 and column 8, lines 20 – 25).

As per claim 3, which is dependent on claim 1, Buxton teaches the method of claim 1 (see rejection above). Buxton further teaches sizing the palette so that the palette and the electronic document can be simultaneously viewed (see Buxton, figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 4, which is dependent on claim 2, Buxton teaches the method of claim 1 (see rejection above). Buxton further teaches sizing the modified palette so that the palette and the electronic document can be simultaneously viewed (see Buxton, figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 5, which is dependent on claim 1, Buxton teaches the method of claim 1 (see rejection above). Buxton further teaches coordinating the palette with a predefined interface so that the palette and the predefined interface provide consistent control features (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 - 58); and

displaying the predefined interface in conjunction with the palette and the electronic document (see Buxton figure 3A, items 300 and 320).

As per claim 6, which is dependent on claim 2, Buxton teaches the method of claim 2 (see rejection above). Buxton further teaches coordinating the modified palette with a predefined interface so that the palette and the predefined interface provide consistent control features (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 - 58); and

displaying the predefined interface in conjunction with the modified palette and the electronic document (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 - 58).

As per claim 7, which is dependent on claim 1, Buxton teaches the method of claim 1 (see rejection above). Buxton further teaches that the context of the electronic document consists of at least one of the following: textual content, formatting content, or graphical content (see Buxton, column 8, lines 30 – 36).

As per claim 8, which is dependent on claim 1, Buxton teaches the method of claim 1 (see rejection above). Buxton further teaches that the property consists of one of the following: a formatting command, an application program command, or an electronic document characteristic (see Buxton, column 7, lines 29 - 44).

As per claim 9, which is dependent on claim 1, Buxton teaches the method of claim 1 (see rejection above). Buxton further teaches that the user interface comprises a graphical user interface for an application program (see Buxton, column 7, lines 1 - 7).

As per claim 10, which is dependent on claim 1, Buxton teaches the method of claim 1 (see rejection above). Buxton further teaches wherein the user interface comprises a floating palette (see Buxton, column 7, lines 17 – 20).

As per claim 11, which is dependent on claim 1, Buxton teaches the method of claim 1 (see rejection above). Buxton further teaches wherein the user interface comprises a property browser palette window (see Buxton, column 2, lines 47 – 53).

As per claim 12, which is dependent on claim 5, Buxton teaches the method of claim 5 (see rejection above). Buxton further teaches wherein the predefined interface comprises a toolbar (see Buxton, column 7, lines 1 - 7).

As per claim 13, which is dependent on claim 6, Buxton teaches the method of claim 6 (see rejection above). Buxton further teaches wherein the predefined interface comprises a toolbar (see Buxton, column 7, lines 1 - 7).

As per claim 14 – 26, they are of similar scope to claims 1 – 13, respectively, and are rejected under the same rationale (see rejections above).

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As per claim 27, it is of similar scope to the combination of claims 1, 2, 3, 4 and 9 and is rejected under the same rationale as claims 1, 2, 3, 4, and 9 (see rejections above).

Response to Argument

Applicant's arguments filed on 10/11/2004 have been fully considered but they are not persuasive.

Applicant's argument focused on the following:

A) Buxton fails to teach creating a palette such that the palette and its associated contents do not obscure the viewable content of the electronic document.

A) Examiner disagrees. Applicant is reminded of the fact that during patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification." In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Because applicant only recites a single content of a plurality of the palettes that are displayed on the panel does not obscure viewing of said electronic document, clearly on figure 3c, the content "Text" does not obscure the display of electronic document.

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B) Buxton fails to teach palettes are modified based on the context and the status of a property and include neither nonfunctional nor non-applicable item.

B) Examiner disagrees. Buxton teaches changing the property of the panel in order to reflect the context of the newly selected the document. (col. 8, lines 30-41)

C) Buxton fails to teach create a customized palette.

C) Examiner disagrees. Buxton clearly teaches a customized palette. Buxton even provided instructions in his specification as how to create a new palette. (col. 7, lines 28-44)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

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